

DELTA PROTECTION COMMISSION

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Draft Minutes of the
Meeting of the Delta Protection Commission

Thursday, March 23, 1995

6:30 p.m.

Jean Harvie Community Center

14273 River Road

Walnut Grove, California

1. Call to Order/Roll Call.

The meeting was called to order at 6:40 p.m. Commissioners present were: Calone, Curry, Fargo, Ferreira, Freeman, McCarty, Mello, Murphy, Potter, Sekelsky, Torlakson. Commissioner Nottoli arrived at 6:47 p.m. Commissioners absent were: Broddrick, Hill, McGowan, Salmon, Simas, Thomson, and Yates.

2. Minutes of February 23, 1995 Meeting.

Approved on a motion by Commissioner Murphy and second by Commissioner Calone; approved by voice vote.

3. Chairman's Report.

Chairman Torlakson reported the next meeting is April 27, 1995; upcoming events include: Wildflower Express Rides; a planning commissioners workshop for Sacramento and Yolo Counties, 10th Annual Asparagus Festival, and North Delta Conservancy fundraiser.

4. Report from Budget and Finance Subcommittee.

Commissioner McCarty reported the subcommittee had met on March 8, had reviewed January and February expenditures, had received a report on the Delta Fund and asked staff to continue to pursue penalty fees, had reviewed and support GIS project, and had reviewed and expressed concern with the overall budget and timeliness of the recreation study.

5. Report from Operations and Administration Subcommittee.

There was no meeting. Ms Aramburu said the agenda had included possible shortened format for minutes; Commission concurred with shortened format.

6. Attorney General's Report.

Mr. Frank had no report. Ms Aramburu reminded Commissioner that FPPC forms are due April 3, 1995.

7. Executive Director's Report.

Ms Aramburu reported on her participation in the following meetings: San Joaquin County COG Habitat Conservation Planning; San Francisco Estuarine Institute Policy Advisory Committee; Resources Agency Delta Levees Committee; and Land Trusts meeting.

She reported:

- * the Delta Protection Fund is now up to \$2,801.32.

- * Sacramento County Sheriff's Office has instituted marina water, farm watch and neighborhood watch in the Delta/South County area.

- * there have been some problems with levees in the recent storms.

- * staff has mailed, by certified mail, a cover letter and copy of the adopted plan to the 10 local governments listed in the Act. Copies have also been mailed to the planning departments of the 10 local governments.

Commissioner Potter reported on a meeting held with legislators and DWR to discuss future legislative approaches to address Delta levee issues.

Commissioners McCarty and Mello commented on continuing problems associated with sustained high water levels in the waterways.

8. Commission Consideration and Possible Adoption of Recommendation regarding Consultants for Geographic Information System (GIS). The Commission will consider a recommendation of the interview panel to retain **both** Teale Data Center and CEDR as consultants on this project. Teale would be charged with assembling data and creating the data base for the GIS. CEDR would create a "user-friendly" work station for use in the Commission's office by staff and the public to allow access to the information in the GIS. The term of the contract would be through January 1, 1997. Teale would be budgeted not more than \$50,000. CEDR would be budgeted not more than \$20,000. (**Action Item**)

Ms Aramburu introduced the item. She corrected the staff report to reflect Dr. Twiss comment that the first year of the CEDR work may be up to \$20,000, not \$15,000.

Commissioner McCarty commented that the Budget and Finance Subcommittee had reviewed the project and urged support.

Commissioner Mello asked that the information be available to the public. Commissioner Murphy asked if the system would support the Resources Agency CERES program; Randall Moory of Teale Data Center, commented that the GIS would support CERES.

Chairman Torlakson asked for public comment. Dr. Franklin Ernst asked the physical address of Teal Data Center and what CERES stands for. Randall Moory said the address is 2005 Evergreen Street, Sacramento. Commissioner Murphy said CERES stands for California Environmental Resources Evaluation System.

On motion by Commissioner Potter and second by Commissioner McCarty, approved amended staff recommendation unanimously by voice vote.

9. Commissioner Authorization for Executive Director to Seek Funding to Digitize Soils Information. The Commission will consider and possibly authorize the Executive Director to seek funds to digitize soils information to include in the GIS (**Action Item**).

Ms Aramburu reviewed the staff report.

Commissioner McCarty commented that others may be preparing GIS information that the Commission could obtain.

On a motion by Commissioner Murphy and a second by Commissioner Ferreira, approved unanimously by voice vote.

10. Commission Consideration and Possible Adoption of Proposed Recreation Study, as Prepared by Department of Parks and Recreation. At the request of Commission staff, staff of Department of Parks and Recreation have prepared a description, timeline and budget for a study to gather current data about Delta recreational users, focusing on boating and fishing use. The project would cost \$265,000 and would be completed by January 1, 1997. Department of Parks and Recreation would contribute \$100,000 and some in-kind services. Department of Fish and Game would provide in-kind services by field staff. Department of Water Resources in considering participation. Delta Protection Commission had originally reserved approximately \$50,000 for a one-year study. (**Action Item**)

Ms Aramburu reviewed the staff report and the status of the Commission funds, with the commitment for the GIS program.

Commissioner Potter suggested relooking at the overall cost. He added that DWR may be able to participate in funding.

Commissioner Murphy supported staff recommendation to proceed to refine scope, timeline and cost. Supported first two recreation recommendations in the adopted plan to develop further information. Supports DPR as appropriate agency to carry out study. Subcommittee should provide oversight during preparation of study.

Commissioner Curry supported creation of a task force or subcommittee to help refine work program.

Chairman Torlakson supported Murphy and Curry.

Commissioner Mello suggested adding water quality impacts to study.

Vice Chair Fargo said timing is important and said cities have no funds to do regional planning, Delta Commission is appropriate entity to provide oversight.

Chairman Torlakson called for public comments. Dante John Nomellini, representing the Central Delta Water Agency, urged the Commission not to use all its funds and suggested it may be appropriate to develop mapped (GIS) information first, then reconsider use study at a later time.

Chairman Torlakson suggested a committee including Commissioners Curry and Murphy, staff of other interested agencies and public members from the Citizens Advisory Committees. On advice from Mr. Frank, the committee meetings will be notice under the Brown Act.

Commissioner Potter suggested the Commission commit no more than \$50,000 to the study.

On a motion by Commission Murphy and second by Commissioner Calone, approved staff recommendation with formation of subcommittee and cap on funds, unanimously by voice vote.

Chairman Torlakson then appointed Commission Curry and Murphy to sit on the subcommittee.

11. Distribution of Adopted Land Use and Resource Management Plan for the Primary Zone of the Delta. The Commission will consider and possible adopt a policy for adoption of the Plan to the Delta community, decision-makers, and land-owners. (**Action Item**)

Ms Aramburu reviewed proposal to continue Commission policy to distribute adopted plans free of charge.

Commissioner Curry suggested a policy of first copy free, additional copies at cost.

Vice Chair Fargo suggested mailing to Citizens Advisory Committees.

Commissioner Nottoli suggested mailing to local libraries.

Commissioner Calone urged the plan be attractive and useable.

On a motion by Vice Chair Fargo, and a second by Commissioner Murphy, adopted staff recommendation unanimously by voice vote.

12. Review of Pending Project Memo. The Commission will receive and provide comments to staff on a memo outlining pending, local, State and federal projects in the Primary Zone of the Delta, or in the Secondary Zone which would directly impact the Primary Zone. (**Information Item**)

Ms Aramburu reviewed the memo.

Commissioner Murphy suggested researching electronic access to this information.

Vice Chair Fargo suggested including the Water Forum Planning Process and the Natomas Habitat Conservation Plan.

13. Fees for Appeals. The Commission will consider and possibly adopt a policy on requiring a fee when an appeal is submitted to the Commission. (NOTE: This item was postponed from December 1994 meeting. Staff report from Richard Frank is dated November 30, 1994. (**Action Item**))

Mr. Frank reviewed the staff report. Ms Aramburu recommended the Commission not institute a fee for appeals and that the Commission review the matter in one year.

Vice Chair Fargo suggested one year may be too long a period.

Commissioner Murphy suggested linking fee to actual costs and that a fee is not a way to deter frivolous appeals.

Chairman Torlakson asked for public comment. Dr. Franklin Ernst asked the definition of frivolous; Mr. Frank responded.

14. Election of Officers. The Commission will elect a Chair and Vice Chair. Under Section 29739 of the Act, the term of office is two years; the Chair and Vice Chair may be re-elected. (**Action Item**)

Mr. Frank reviewed the procedures.

Chairman Torlakson opened the floor for nominations for Chair. Vice Chair Fargo nominated Commissioner McCarty; seconded by Commissioner Murphy. Commissioner Nottoli nominated Chairman Torlakson; Chairman Torlakson declined. On a motion by Commissioner Nottoli and second by Vice Chair Fargo, nominations were closed. Vote was unanimous.

Chairman Torlakson opened the floor for nominations for Vice Chair. Commissioner McCarty nominated Vice Chair Fargo; seconded by Commissioner Potter. On a motion by Commissioner Nottoli and seconded by Commissioner Ferreira, nominations were closed. Vote was unanimous.

Commissioner Torlakson passed gavel to Chairman McCarty. Chairman McCarty thank Commissioner Torlakson for his leadership, consensus-building skills and style.

15. Public Comments.

Seth Cockrell expressed grave concern about the problem of abandoned vessels in the Delta waterways. He suggested the Commission support new legislation to allow removal of the vessels.

Commissioner Murphy asked if the mooring is illegal and on public or private property.

Vice Chair Fargo suggested looking at the programs local governments have for abandoned vehicles.

Chairman McCarty suggested agendizing this issue at a future meeting.

Dr. Franklin Ernst expressed concern that the Commission is coercively restricting private property rights.

16. Commissioner Comments.

Commissioner Curry said the grants program for pump-outs is currently operating through Boating and Waterways and encouraged marina operators to submit applications.

Commissioner Potter suggested staff obtain and present to the Commission a summary of the grant applications submitted to Metropolitan Water District for the Category III funding program.

17. Adjourn.

The meeting was adjourned at 8:45 p.m.